

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:20-cr-0046
)	
CHRISTOPHER LLOYD TURNBULL,)	
)	
Defendant.)	
)	
)	

ORDER

BEFORE THE COURT is the trial in this matter currently scheduled for April 26, 2021. Also pending is the United States’ Motion to Continue and to Exclude Time under the Speedy Trial Act. (ECF No. 27.) For the reasons stated herein, the time to try this case is extended up to and including August 23, 2021.

In response to the COVID-19 pandemic, the Chief Judge of the District Court of the Virgin Islands entered a general order concerning operations of the Court on March 17, 2020. The Chief Judge has thus far extended the order eleven times, finding that the ends of justice require excluding March 18, 2020, through April 30, 2021, from the Speedy Trial count in all criminal matters.¹

To date, the COVID-19 virus has claimed more than 570,000 lives (27 of which have been in the U.S. Virgin Islands). Current testing indicates that the rate of contraction of the virus is slowing in recent weeks. Notwithstanding the decrease in the incidence of COVID-19 in the Virgin Islands over the past few weeks, the Court finds that a continuance of the trial date in this case is in the best interest of justice.² As such, the Court finds that extending the

¹ The United States represents that there are currently eighteen (18) days on the Speedy Trial Clock in this case. (ECF Nos. 27 at 4, ¶8; 36 at 3, ¶15.) However, beginning with the first *Order Concerning Operations of the District Court of the Virgin Islands during the COVID-19 Outbreak*, the Chief Judge specifically found that the ends of justice were served by extending the period of “excluded time” under the Speedy Trial Clock, beginning March 17, 2020. This case commenced in November of 2020, after the initial *Order*. As such, all time has been excluded thus far in this case.

² There is also a motion pending disposition by the Court: Defendant Turnbull’s *Motion to Suppress Statement[s]*, filed January 4, 2021. (ECF No. 18). The Speedy Trial Act also excludes “[a]ny period of delay resulting from

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period within which the Defendant may be tried under the Speedy Trial Act is necessary for the protection and well-being of the Defendant, the jury, the prosecutors, the witnesses, the Court's personnel, and the general public at large.

The premises considered, it is hereby

ORDERED that the time beginning from the date of this order granting an extension through August 23, 2021, shall be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; it is further

ORDERED that the parties shall file and serve a pre-trial brief no later than August 16, 2021, which shall include the following: (a) proposed list of witnesses; (b) proposed list of exhibits; (c) estimated length of case-in-chief and case-in-defense; (d) proposed non-standard *voir dire* questions; and (e) proposed non-standard jury instructions related to the elements of the charges and defenses; it is further

ORDERED that the parties shall provide the Clerk of Court with a USB Flash Drive containing electronic versions of exhibits no later than August 18, 2021;³ it is further

ORDERED that the jury selection and trial in this matter previously scheduled for April 26, 2021, are **RESCHEDULED** to commence promptly at 9:30 A.M. on August 23, 2021, in St. Thomas Courtroom 1; and it is further

ORDERED that the United States' Motion to Continue and to Exclude Time under the Speedy Trial Act, (ECF No. 27), is **MOOT**.

Dated: April 23, 2021

/s/ Robert A. Molloy
ROBERT A. MOLLOY
District Judge

other proceedings concerning the defendant, including . . . (D) delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion. . . ." 18 U.S.C. § 3161(h)(1); *see also Henderson v. United States*, 476 U.S. 321 (1986).

³ Counsel are advised to consult with Court technical staff to determine the proper format for saving electronic versions of exhibits. The Government's trial exhibits shall be labelled sequentially beginning with Government's Exhibit 1. Defense exhibits shall be labelled sequentially beginning with Defense Exhibit A.